

### III. REMARKS

Claims 1, 2, 4-17, and 19-21 have been presented for prosecution and were rejected under 35 USC 102(e) as being anticipated by Radha et al. ("Radha"), US 6,292,512. Applicants respectfully traverse this rejection because Radha fails to teach each and every feature of the claimed invention.

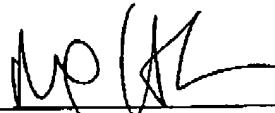
In the Office Action, the Examiner states that "element 55 of Radha et al represents the concept of such rate R in bits/sec at which the stream of encoded video is to be transmitted over the transmission channel." This statement is simply incorrect. R is not a transmission rate. As previously explained, Radha provides a system that alters a compression rate – but not a transmission rate.

Element 55 of Radha does not dictate *a rate at which a stream of encoded video is to be transmitted over a transmission channel*, as is claimed by Applicant. Rather, controller 55 of Radha "selects image(s) from the enhancement layer 50 which have a bandwidth (i.e., a number of bits after being encoded at a compression R) that substantially corresponds to  $R - R_{DL}$ ." (See Column 8, lines 20-25.) Thus, Radha "is able to provide substantially the maximum amount of video data (i.e., a number of bits) for a given amount of bandwidth." (See Column 8, lines 34-36.) In other words, Radha fills up the bandwidth by selecting different size enhancement layer images. Nowhere does Radha teach or suggest the concept of changing the rate at which data is transmitted.

Applicants respectfully request that the Examiner specifically point out any language in Radha in which a modulation rate is assigned to each stream, wherein the modulation rate dictates a rate at which a stream of encoded video is to be transmitted over a transmission channel.

Applicants respectfully submit that the application is in condition for allowance.  
Should the Examiner believe that anything further is necessary to place the application in better condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,



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